

REMARKS

The Applicants request reconsideration of the rejection.

Claims 1-20 remain pending.

Claims 1-4 stand rejected under 35 U.S.C. §102(e) as being anticipated by Beattie, U.S. Patent No. 6,981,177 (Beattie). The Applicants traverse as follows.

Claim 1 is directed to a data restoring method for restoring data stored in a second storage system, in which the second storage system stores a copy of data to be transmitted from a first storage system. The first storage system processes an I/O request from a host, and as a result of I/O processing of the second storage system, transmits updated data according to the I/O request. The second storage system retains data received from the first storage system as update log data.

Perhaps most significantly, the host transmits a command for settling a state of an application to the first storage system as data, the first storage system transmits the data to the second storage system, and the host and the second storage system both retain an identifier corresponding to the command, and relate the identifier to the log data whereby the host designates the identifier at any given time to thereby restore data at any given time the second storage system.

The system of Beattie, on the other hand, at least fails to show a host transmitting a command for settling a state of an application to the first storage system as data, with the host and the second storage system (receiving the data from the first storage system) both retaining an identifier corresponding to the command and relating the identifier to the log data. The office action cites col. 4, lines 39-54 and col. 6, lines 21-23 of Beattie, but the former passage describes a conventional backup phase in which a full backup 116 copies information from

primary database 110 to backup system 112; and the latter passage describes that a user may be allowed to specify whether the primary database 110 should be restored to the time of failure or to another time. More particularly, whether considering the full backup 116 or the incremental changes 118 described elsewhere in the patent, Beattie does not suggest more than a traditional backup using the traditional backup command, for sending data for the backup. Beattie does not disclose the command to settle a state of an application to the primary server 102, or that the host and the secondary server 104 both retain an identifier corresponding to the command, and relate the identifier to the log data whereby the host designates the identifier at any given time to thereby restore data at any given time by the second storage system.

In view of the foregoing remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. NIT-411).

Respectfully submitted,

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